IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.
CHAMBER SUMMONS NO.193 OF 2006
IN
EXECUTION APPLICATION NO.461 OF 2005
IN
SUMMONS FOR JUDGMENT NO.1309 OF 2000
IN
SUMMARY SUIT NO.4281 OF 2000

Mr.Chandraprakash Agarwal ..Plaintiff
V/s.
Mr.Devkinandan B. Agarwal ..Defendant.
and
Mr.Ajay Kumar B. Agarwal ..Applicant.

Mr.K.S.Tripathi for Plff.
Ms.Savita Kasha for Applicant.

CORAM: R.S.Mohite, J.
DATE : 29th August, 2006.

P.C.:

1. This Chamber Summons is taken out for lifting attachment order dated 29-12-2005 on immovable property i.e., Flat No.32, Sati Darshan, 3rd floor, 95, Amarshi Road, Malad (W), Mumbai.

2. The contention is that the present applicant is a joint holder alongwith the original defendant who is a real brother. The money decree has been passed against the original defendant and the flat in question has been attached by the order dated 29-12-2005.

3. The advocate for the Plaintiff states that the

document of title is not produced. The advocate for the original defendant states that defendant has produced only typed copy of the document of title. Be that as it may, advocate for the plaintiff states that he will be satisfied if attachment is on the 50% of share which is admitted even by present applicant.

4. In the circumstances, in view of the concession given, attachment shall be in respect of 50% admitted share of the original defendant. With this modification, Chamber Summons stands disposed off.

5. The advocate for the plaintiff states that this concession is given because other properties are attached. It is made clear that execution can proceed in respect of other properties of the defendant excluding 50% shares of the present applicant in flat no.2.

(R.S.MOHITE,J.)